

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE: BLUE CROSS BLUE SHIELD ANTITRUST LITIGATION (MDL NO.: 2406)	} } } }	Master File No.: 2:13-CV-20000-RDP This document relates to all cases.
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THIRD AMENDED SCHEDULING ORDER

This matter is before the court on Subscriber Plaintiffs' Motion to Continue Class Certification Deadlines. (Doc. # 1546). After careful consideration and consultation with Judge Putnam regarding the status of discovery, it is **ORDERED** as follows:

1. Subscriber Plaintiffs' Motion to Continue Class Certification Deadlines. (Doc. # 1546) is **GRANTED**.

2. By now, based upon the previous deadlines, discovery should be substantially completed.

3. Fact discovery in the prioritized proceedings **SHALL** be completed by **December 1, 2017**. This extension of the discovery period is designed to allow the parties time to conclude discovery *already initiated*. **The extended deadline SHALL NOT be used as an opportunity to initiate any new discovery.**

4. **Class Certification Discovery:**

a. Class certification expert discovery is to be commenced in time to allow the parties to meet all deadlines set forth below.

b. All reports from retained experts on class certification under Fed. R. Civ.

P. 26(a)(2):

- Due from Plaintiffs **upon filing of any class certification motion;**

- Due from Defendants **upon filing of any opposition** to class certification motion;
- Rebuttal due from Plaintiffs **upon filing of any reply** to class certification motion.
- The parties **SHALL** complete the depositions of any expert on class certification issues **within thirty (30) days of receipt of the expert's report** provided that any deposition regarding a rebuttal report **SHALL** be taken **within fourteen (14) days of service of the rebuttal report**.

5. **Class Certification Motions:** Motions for class certification and materials in support **SHALL** be filed **on or before January 15, 2018**. The parties are reminded that early filing does not mean that the Motion will receive independent consideration by the court.

- Opposition briefs **SHALL** be due **on or before April 3, 2018**.
- Reply briefs **SHALL** be due **on or before May 18, 2018**.

6. Any ***Daubert* motions** seeking to exclude any class certification expert witness **SHALL** be filed **within seventy-five days of disclosure of the expert's report**.

- Opposition briefs **SHALL** be filed **within forty-five days of any *Daubert* Motion**.
- Reply briefs **SHALL** be filed **within forty-five days of any opposition brief**.

7. **Damages and Merits Expert Reports and Discovery** are:


- Due from Plaintiffs **on or before January 31, 2018**.
- Due from Defendants **on or before April 3, 2018**.
- Rebuttals due from Plaintiffs **on or before May 18, 2018**.

- The parties **SHALL** complete the deposition of any expert on merits and damages issues **within thirty (30) days of that expert's report** provided that any deposition regarding a rebuttal report **SHALL** be taken **within eighteen (18) days of service of the rebuttal report**.

14. **Dispositive Motions:** All potentially dispositive motions on issues of liability and materials in support and supporting expert reports under Fed. R. Civ. P. 26(a)(2) are **due on or before April 13, 2018**. The parties will meet and confer as to an appropriate briefing schedule after such a Motion or Motions is filed, and present a schedule or competing proposals to the court **within 7 days after the filing of any potentially dispositive motion**.

15. **Pretrial Conference and Trial:** The court will set a pretrial conference at its discretion a reasonable time after the ruling on class certification and/or dispositive motions.

DONE and **ORDERED** this September 21, 2017.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE